



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

September 23, 2021

*The conference is adjourned
to 10/29 at 11:30 am.*

[Signature]
9/24/21

VIA ECF

Hon. Denise L. Cote
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

Re: *Murrihy, et al. v. Campagnolo, et al.*, No. 21 Civ. 6200 (DLC)

Dear Judge Cote:

This Office represents the government in this action in which the plaintiffs seek an order overturning the denial by U.S. Citizenship and Immigration Services (“USCIS”) of a Petition for Nonimmigrant Worker (Form I-129). The government’s response to the complaint is due October 22, 2021, based on the date of service by mail set forth in the plaintiffs’ certificate of service. *See* ECF No. 7; *see also* Fed. R. Civ. P. 12(a)(2), 6(d). The Court has scheduled a telephonic pretrial conference for September 29, 2021 at 3:00 p.m. *See* ECF No. 8. Having consulted with plaintiffs’ counsel, I write respectfully to request an on-consent adjournment of the pretrial conference to either 11:30 a.m. on Friday, October 29, or Friday, November 5, 2021.

The adjournment is respectfully requested because the government is still investigating the facts and circumstances of the case.¹ Although the plaintiffs’ certificate of service indicates that this Office received the service package on August 27, 2021, it unfortunately appears to have been improperly routed internally: the undersigned first learned of this action and the Order scheduling the September 29 conference yesterday afternoon via an e-mail from the plaintiffs’ counsel. After discussions between counsel, the parties have agreed to request adjournment of the September 29 conference until after the government’s response is due. In light of the plaintiffs’ concern regarding the alleged accrual by plaintiff Murrihy of 180 days of unlawful presence on October 20, 2021, *see* Compl. ¶ 13, counsel have agreed to continue discussing the case over the coming weeks to determine whether the issue can be resolved, without prejudice to a request for an expedited application before October 20.

This is the government’s first request for an adjournment of the initial conference. Plaintiffs consent to this request.

¹ In addition, the undersigned is not available on September 29 for medical reasons.